



STATE OF KANSAS
OFFICE OF THE ATTORNEY GENERAL

DEREK SCHMIDT
ATTORNEY GENERAL

August 13, 2019

MEMORIAL HALL
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TOPEKA, KS 66612-1597
(785) 296-2215 • FAX (785) 296-6296
WWW.AG.KS.GOV

Andrew Perez
MapLight
Political Reporter
MuckRock News
DEPT MR 50035
411A Highland Avenue
Somerville, MA 02144-2516

VIA 50035-43091414@requests.muckrock.com
Hard Copy WILL Follow

Re: Request for Records

Dear Mr. Perez:

On February 28, 2018, we received your fax dated the same date requesting records in the possession of this office. In your fax, you requested the following:

Pursuant to the Kansas Open Records Act (K.S.A. 45-215), I hereby request the following records:

Copies of all available emails, documents and email attachments exchanged, from August 1, 2017 and February 28, 2018, between officials at the Kansas Attorney General's Office and individuals affiliated with the following organizations and companies. I am providing email domains and email addresses as search terms.

- Judicial Crisis Network ("@judicialnetwork.com")
- National Rifle Association ("@nrahq.org"; "@nraila.org")
- Koch Industries ("@kochind.com"; "@kochps.com")
- U.S. Chamber of Commerce ("@uschamber.com"; "@institutelegalreform.com")
- Federalist Society ("@fed-soc.org"; "@leonard.leo@hotmail.com")
- Altria Client Services ("@altria.com")
- Purdue Pharma ("@pharma.com")
- Mallinckrodt ("@mallinckrodt.com")
- Anthem, Inc. ("@anthem.com")
- Southern Company ("@southernco.com")
- Peabody Energy ("@peabodyenergy.com")
- DTE Energy ("@dteenergy.com")
- Community Choice Financial ("@ccfi.com")
- Advance America ("@advanceamerica.net")
- American Chemistry Council ("@americanchemistry.com")
- Monsanto ("@monsanto.com")
- Hamilton Consulting Group ("@hamilton-consulting.com")

- Michael Best Strategies, LLC ("@michaelbeststrategies.com")
- Bruning Law Group ("@bruninglawgroup.com")
- Cozen O'Connor P.C. ("@cozen.com")
- Hunton & Williams ("@hunton.com")

On March 5, 2018, we sent you a letter acknowledging receipt of your request pursuant to the provisions of K.S.A. 45-218(d).

On October 30, 2018, we sent you a letter notifying you that we completed our search for records that may be responsive to your request. We noted that your request for records requested "emails, documents and email attachments." Based on this phrase, we defined the word "document" as electronic correspondence exchanged via email and not paper records, if any. Our letter advised that if this was not an accurate understanding of your request for records, please notify us in writing by Tuesday, November 20, 2018.

Our October 30, 2018, letter advised that our initial email based search for records identified over 1,500 emails that may be responsive to your request for records. Our initial email based search for records utilized all the search terms listed in your request for records. We narrowed our search by excluding emails from the Federal Judiciary's Case Management/Electronic Case Files System. This is a comprehensive case management system that, in part, provides notice of any actions for all federal bankruptcy, district and appellate courts to attorneys who have entered their appearance in a specific case. We further narrowed our search by excluding informational and aggregated emails from various providers received within the Office of the Attorney General. Our letter advised that our filtered search identified approximately 742 emails that may be responsive to your request for records.

In order to determine whether these emails are responsive to your request, we were required to review each of these approximately 742 emails. Because your request asked for "emails, documents and email attachments **exchanged . . . between**" this office and the list of organizations included in your request for records, we searched for emails with your search terms in either the "To" or "From" line of the emails. (Emphasis added) Our letter advised that if this was not an accurate understanding of your request for records, please notify us in writing by Tuesday, November 20, 2018. After conducting this review, we identified approximately 337 emails that may be responsive to your request for records.

Our October 30, 2018, letter stated that pursuant to K.S.A. 45-218(f), a public agency may charge and require advance payment of a fee for providing access to or furnishing copies of public records. We estimated it would take 18.00 hours to gather, review, redact¹ if necessary and prepare these records to be provided to you. Additionally, we noted that there will be a charge of \$0.125 per page for electronic copies. Our letter stated that these costs could not be estimated at that time as it was unknown how many total pages will be subject to disclosure after redaction. We noted that when this cost was known, you will be advised. Therefore, the initial estimated fee to continue the work of providing copies of the requested records was \$639.00.

On November 9, 2018, we received your email dated the same date that stated:

¹ K.S.A. 2018 Supp. 45-221(d) requires the separation or deletion of material in public records that is not open to the public.

Please remove these subjects from our search: The Federalist Society; Anthem; Monsanto; Cozen O'Connor.

The remaining search terms should be:

- Judicial Crisis Network ("@judicialnetwork.com")
- National Rifle Association ("@nrahq.org" ; "@nraila.org")
- Koch Industries ("@kochind.com" ; "kochps.com")
- U.S. Chamber of Commerce ("@uschamber.com" ; "@instituteforlegalreform.com")
- Altria Client Services ("@altria.com")
- Purdue Pharma ("@pharma.com")
- Mallinckrodt ("@mallinckrodt.com")
- Southern Company ("@southernco.com")
- Peabody Energy ("@peabodyenergy.com")
- DTE Energy ("@dteenergy.com")
- Community Choice Financial ("@ccfi.com")
- Advance America ("@advanceamerica.net")
- American Chemistry Council ("@americanchemistry.com")
- Hamilton Consulting Group ("@hamilton-consulting.com")
- Michael Best Strategies, LLC ("@michaelbeststrategies.com")
- Bruning Law Group ("@bruninglawgroup.com")
- Hunton & Williams ("@hunton.com")

On January 19, 2019, we received your email dated the same date that stated:

We would just want these search terms:

- Judicial Crisis Network ("@judicialnetwork.com")
- National Rifle Association ("@nrahq.org" ; "@nraila.org")
- Koch Industries ("@kochind.com" ; "kochps.com")
- U.S. Chamber of Commerce ("@uschamber.com" ; "@instituteforlegalreform.com")
- Purdue Pharma ("@pharma.com")
- Mallinckrodt ("@mallinckrodt.com")
- Hamilton Consulting Group ("@hamilton-consulting.com")
- Michael Best Strategies, LLC ("@michaelbeststrategies.com")
- Bruning Law Group ("@bruninglawgroup.com")
- Hunton & Williams ("@hunton.com")

On March 31, 2019, we sent you a letter notifying you that we identified approximately 115 emails that may be responsive to your request for records. Our letter stated that pursuant to K.S.A. 45-218(f), a public agency may charge and require advance payment of a fee for providing access to or furnishing copies of public records. We estimated it would take three and three quarters (3.75) hours to review, redact² if necessary and prepare these records to be provided to you. Additionally, we noted there

² K.S.A. 2018 Supp. 45-221(d) requires the separation or deletion of material in public records that is not open to the public.

Letter to Andrew Perez

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would be a charge of \$0.25 per page for paper copies, as well as the cost of mailing the records to you. Our letter stated that these costs could not be estimated at that time as it was unknown how many total pages would be subject to disclosure after redaction. We noted that when this cost is known, you would be advised. Therefore, the initial estimated fee to begin the work of providing copies of the requested records was \$131.25. On June 11, 2019, received your payment of \$131.25.

We have completed our review of all identified documents and the preparation of records responsive to your request. We note that we limited our review to records of the positions of Attorney General, Chief Deputy Attorney General, Chief of Staff, and Deputy Chief of Staff as requested in your February 28, 2018, email. After individually reviewing each of the 115 potentially responsive emails, we have determined that three (3) emails comprising four (4) pages meet the criteria of and are responsive to your request for records. In accordance with our March 31, 2019, estimate, we required three and three quarters (3.75) hours for an Assistant Attorney General to review and prepare records responsive to your request. Copies of the four (4) unredacted pages of records are enclosed for your review.

I trust this information is useful. Please feel free to contact us again concerning any matter within our jurisdiction.

Sincerely,

OFFICE OF THE ATTORNEY GENERAL
DEREK SCHMIDT

A handwritten signature in black ink, appearing to read "PRM", is written over the typed name of Philip R. Michael.

Philip R. Michael
Assistant Attorney General

PRM:sb

Michael, Philip

From: Chanay, Jeff
Sent: Friday, September 8, 2017 1:55 PM
To: 'Wehrum, William L.'
Subject: Congratulations

Follow Up Flag: Follow up
Flag Status: Flagged

Bill,

Congratulations on your nomination. I know that you will do a great job. It has been a pleasure to work with you over the past few years.

Jeff

Jeffrey A. Chanay
Chief Deputy Attorney General
Office of Kansas Attorney General Derek Schmidt
120 SW 10th Avenue, 3rd Floor
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Michael, Philip

From: Wehrum, William L. <wwehrum@hunton.com>
Sent: Friday, September 8, 2017 2:27 PM
To: Chanay, Jeff
Subject: RE: Congratulations

Follow Up Flag: Follow up
Flag Status: Flagged

Thanks Jeff. I appreciate all of your support over the years. I couldn't resist the urge to go back to EPA and try to set things straight.

From: Chanay, Jeff [<mailto:Jeff.Chanay@ag.ks.gov>]
Sent: Friday, September 08, 2017 2:55 PM
To: Wehrum, William L.
Subject: Congratulations

Bill,

Congratulations on your nomination. I know that you will do a great job. It has been a pleasure to work with you over the past few years.

Jeff

Jeffrey A. Chanay
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Michael, Philip

From: David Cookson <David@bruninglawgroup.com>
Sent: Tuesday, December 26, 2017 12:21 PM
To: Chris Toth
Cc: Albert Lama; Erin Schechter; Montgomery, Eric
Subject: Re: NAAG Transition

Follow Up Flag: Follow up
Flag Status: Flagged

Congrats to you, Al and Erin. NAAG is in good hands. Seems like yesterday when we interviewed Jim. Amazing how we went from Chris holding us together with baling wire and chewing gum after we finally cleaned house to where we are today.

Continued good work and good luck.

Dave

David D. Cookson
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david@bruninglawgroup.com
www.bruninglawgroup.com

On Dec 26, 2017, at 1:08 PM, Chris Toth <ctoth@NAAG.ORG> wrote:

This is being sent to former chief deputies

Friends:

It is my honor today to begin my new role as NAAG Executive Director. While I am excited to assume this role, I am saddened that I will no longer have Jim McPherson down the hall from me. As you know, I have had the pleasure of serving as Jim McPherson's deputy executive director for almost 10 years. He is an extraordinary leader and mentor – simply the best leader I have ever worked for. All of us at NAAG have been inspired by his grace, dignity, integrity and wisdom. The greatest compliment I can pay Jim is to say this: we at NAAG have all been made better people for having known and served under Jim. He will make a superb general counsel of the US Army.

The community of attorneys general is a remarkable institution and attorneys general have the ability to be true difference makers in making this country a better place to live. The NAAG team will continue to be dedicated to supporting the AGs in this effort. We will continue to grow NAGTRI to meet the AG community's demand signal, strive to provide thoroughly professional and substantive annual and regional meetings, offer quality staff support to further the mission and reach of NAAG committees, continue to assist AG offices with high-quality appellate support, and provide quality assistance in enforcing the Master Settlement Agreement.

A few personnel notes: Al Lama was offered my old job as deputy executive director and I am most pleased to say he accepted. As many of you know, Al served as New Mexico chief deputy attorney general, so he is uniquely qualified for this role. Erin Schechter, formerly NAGTRI chief administrator, has fleeted up to the position of chief administrative officer for NAAG and NAGTRI. I am very pleased to

have Al and Erin as part of the NAAG leadership team. They are strong, conscientious leaders and will serve this organization very well. We will commence a national search for a new NAGTRI director this week.

Thank you for your past service to this nation and thank you for your continued dedication to NAAG. I will frequently rely on your wisdom as we move NAAG forward. I hope you will never hesitate to share your advice and concerns with me.

I am privileged to lead a remarkable, dedicated team that is greatly committed to public service. We will remain steadfast in providing the best support possible to the attorneys general in the execution of their mission as America's chief legal officers.

Very respectfully,

Chris

Chris Toth
Executive Director
National Association of Attorneys General
1850 M Street NW 12th Floor
Washington, DC 20036
202.326.6021
ctoth@naag.org

<image001.png> <image002.png> <image003.png>

